

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRIAN RICHARDSON, *et al.*, individually and on behalf of all others similarly situated,

No.: 5:15-cv-06325-WB

Plaintiffs,

v.

VERDE ENERGY USA, INC.,

Defendant.

**PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Brian Richardson, Michelle Hunt, Jacqueline Bowser, Kris Villager, and Donna Schley (“Plaintiffs”) respectfully move this Court pursuant to FED. R. CIV. P. 23 for entry of an Order:

- (1) preliminarily approving the proposed Settlement¹ of this Action as set forth in the Parties’ agreed-upon proposed Preliminary Approval Order, attached as Exhibit A to the Settlement Agreement;
- (2) preliminarily certifying, for purposes of the proposed Settlement, the Settlement Class defined in the Settlement Agreement;
- (3) approving as to form and content the Notice of Class Action Settlement (the “Notice”) and the Claim Form, attached, respectively, as Exhibits B and C to the Settlement Agreement;

¹ Unless otherwise stated, all capitalized terms used in this Motion are as defined in the Stipulation and Agreement of Settlement dated as of August 14, 2019 (the “Settlement Agreement”). A copy of the Settlement Agreement is attached to this Motion as Exhibit 1.

- (4) approving the proposed procedures for dissemination of the Notice in the manner set forth in the proposed Preliminary Approval Order, as being the best notice practicable under the circumstances and in accord with the requirements of due process and FED. R. CIV. P. 23;
- (5) appointing Angeion Group, LLC to serve as the Settlement Administrator;
- (6) preliminarily appointing, for settlement purposes only, Shanon J. Carson and Lane L. Vines of Berger Montague PC, W. Craft Hughes and Jarrett L. Ellzey of Hughes Ellzey, LLP, Joshua Arisohn of Burson & Fisher, P.A., and Ari H. Marcus of Marcus & Zelman, LLC to serve as class counsel;
- (7) determining the date of the Final Approval Hearing; and
- (8) establishing deadlines for filing papers in support of final approval of the Settlement, the Plan of Allocation, the application for attorneys' fees, reimbursement of Litigation Expenses and approval of Service Awards to the Plaintiffs, and for Settlement Class Members to request exclusion from the Settlement Class, make objections to the Settlement, or the application for attorneys' fees, reimbursement of Litigation Expenses and Plaintiffs' Service Awards, and file Claim Forms.

The grounds on which this Motion is based are set forth in the accompanying Memorandum of Law filed herewith. Accordingly, Plaintiffs respectfully request that this unopposed Motion be granted and that the Court adopt and enter the Parties' proposed Preliminary Approval Order.

Dated: August 16, 2019

Respectfully submitted,

BERGER MONTAGUE PC

By: /s/ Shanon J. Carson

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Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2019, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Shanon J. Carson

Shanon J. Carson